

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT # FPP-20-04**  
**RIDGEVIEW PARK**  
**MARCH 25, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

The proposal is for preliminary plat approval of a 5 commercial lot subdivision. The property will be served by Bigfork Water and Sewer. The property is located approximately two-tenths of a mile west of the Highway 35 on the north side of Highway 82.

**B. Project Personnel**

**i. Owner**

Lou Pickavance  
PO Box 2242  
Bigfork, MT 59911

**ii. Applicant**

Mark Herman and Katherine Conrad  
Glacier Sotheby's  
480 Electric Ave  
Bigfork, MT 59911

**C. Application Review Dates**

**1. Land Use Advisory Committee/Council**

The proposed land use is located within the advisory jurisdiction of the Bigfork Land Use Advisory Committee (BLUAC). BLUAC will conduct a public hearing on the proposed subdivision on March 26, 2020 at 4:00 P.M. at Bethany Lutheran Church located at 8559 Highway 35 in Bigfork, MT.

**2. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on April 8, 2020 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**3. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to May 19, 2020 which is the end of the 60-working day statutory review period.

**II. ADMINISTRATIVE CHARACTERISTICS**

**A. Legal Description and Detailed Location of Subject Property**

The subject property is 5.31 acres in size and is located at 2849 Highway 82 in Bigfork, Montana. The property can legally be described as Lot 1A of the Amended Subdivision Plat of Flathead Swan Junction Unit #4 located in the Southeast ¼ of Section 14, Township 27 North, Range 20 West P.M.M Flathead County, MT.

**Figure 1:** Aerial of subject property outlined in yellow



## B. Subdivision Layout Detail

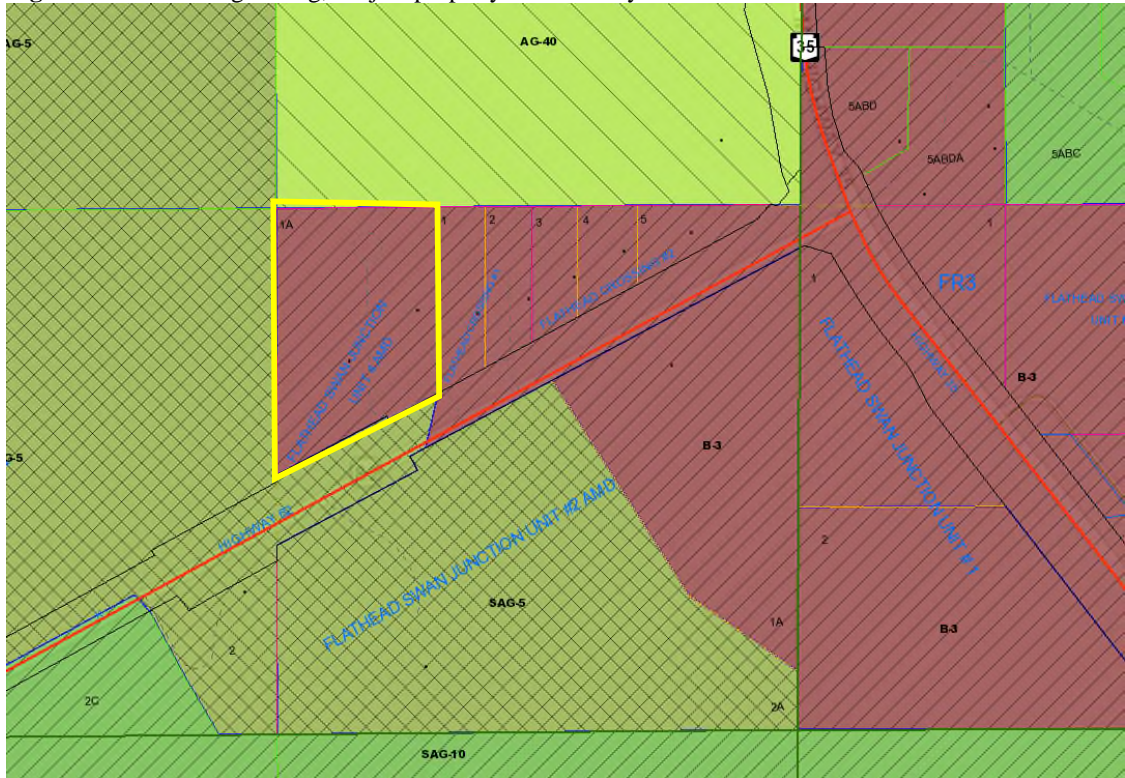
1. Total Subdivision Acreage:	5.31 acres
2. Acreage in Lots:	3.96 acres
3. Acreage in Roads:	1.35 acres
4. Total Park/Common Area/Open Space Acreage:	0.00 acres
5. Minimum Lot Size:	0.53 acres
6. Maximum Lot Size:	1.37 acres
7. Density:	1 units per 1.06 acres

## C. Current Land Use and Zoning

The current owner of the property previously attempted a subdivision on the property in 2006. The previous preliminary plat dead filed but not before many of the improvements were completed on the property, including, undergrounding of utilities, construction of the road and placement of water and sewer lines. There is also a bowling alley and parking lot on the east side of the subject property.

The property is zoned 'B-3 Community Business.' The B-3 designation is defined in Section 3.27 FCZR as, 'A business district to provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development.'

**Figure 2:** Surrounding zoning, subject property outlined in yellow



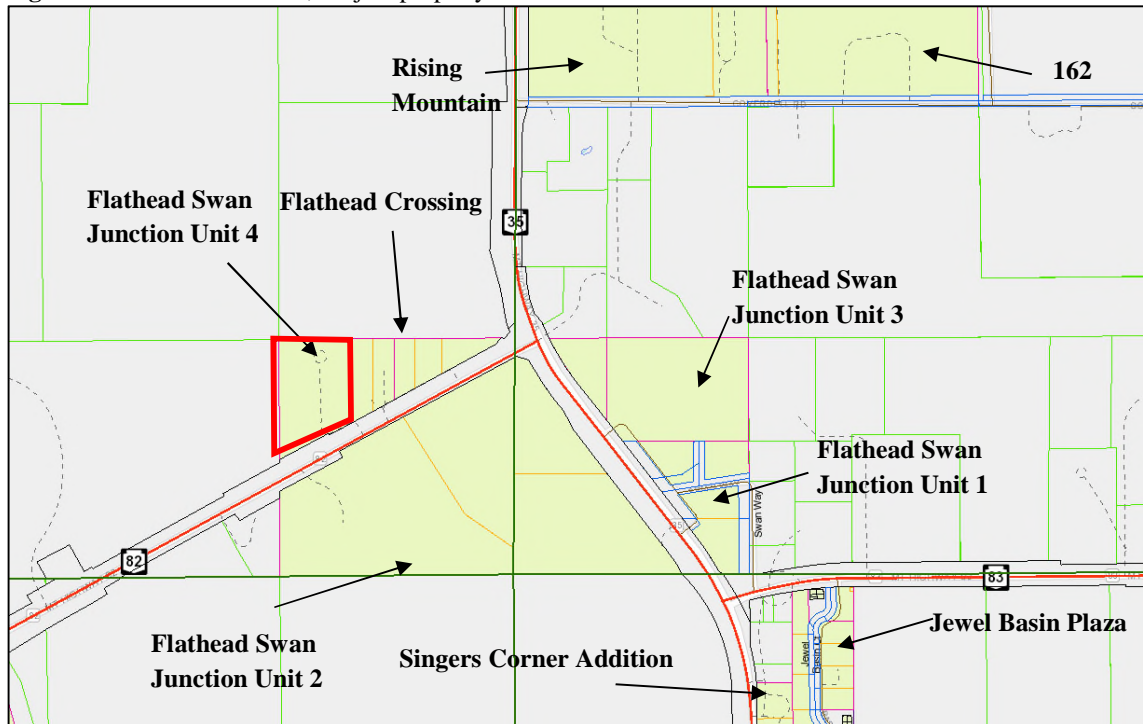
#### D. Proposed Land Use

The proposed subdivision would create 5 commercial lots. The average lot is 1.06 acres. The applicant is not proposing common area/open space. The proposed internal subdivision road has already been completed as part of the, now dead, previously approved subdivision.

#### E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Swan Junction	Commercial	4	1.81 acres
Flathead Swan Jct. 2 (Amended 2019)	Commercial	2	12.8 acres
Flathead Swan Jct. 3 (1994)	Commercial	3	5.0 acres
Flathead Swan Jct. 4 (Amended 2000)	Commercial	3	3.3 acres
Flathead Crossing #1 (Amended plat of Flathead Swan Jct. 4 2004)	Commercial	2	1.1 acres
Flathead Crossing #2 (Amended plat of Flathead Swan Jct. 4 2004)	Commercial	3	0.8 acres
Jewel Basin Plaza (2006)	Commercial	16	0.6 acres
Singers Corner Addition	Commercial	2	1.2 acres
162 (1998)	Residential	2	26.4 acres
Rising Mountain (2012)	Residential	2	20.5 acres

**Figure 3 - Area subdivisions, subject property shown in red**



#### **F. Utilities and Services**

- |                       |                               |
|-----------------------|-------------------------------|
| <b>1. Wastewater:</b> | Bigfork                       |
| <b>2. Water:</b>      | Bigfork                       |
| <b>3. Electricity</b> | Flathead Electric Cooperative |
| <b>4. Natural Gas</b> | Northwestern Energy           |
| <b>5. Solid Waste</b> | Republic Services             |
| <b>6. Schools:</b>    | Bigfork School District       |
|                       | Bigfork High School District  |
| <b>7. Fire:</b>       | Bigfork Fire District         |
| <b>8. Police:</b>     | Flathead County Sheriff       |

### **III. COMMENTS RECEIVED**

#### **A. Agency Comments**

1. Referrals were sent to the following agencies on February 26, 2020:
  - Montana Department of Transportation
  - Flathead County Solid Waste
  - Flathead City-County Environmental Health Department
  - Bigfork Fire District
  - Bigfork Water and Sewer
  - Montana Fish Wildlife and Parks
  - Flathead County Weeds and Parks Department
  - Montana Department of Natural Resources and Conservation
  - Flathead Conservation District
  - Flathead County Address Coordinator

- Bonneville Power Administration
  - Montana Department of Environmental Quality
  - Flathead County Sheriff
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Montana Department of Transportation
    - Comment: “Access will be from an existing approach to the property which currently has a bowling alley.
    - “As this will be a change in use of an existing access the owners will need to obtain a new approach permit approved by the MDT. Approaches need to be constructed to MDT’s approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses. If the volume of vehicles per hour is high enough, then the approach permit will go through MDT’s systems impact analysis in Helena. A Traffic Impact Study may be required to determine if mitigation is needed for traffic impacts to adjacent highways.” Email received March 13, 2020.
  - Flathead City-County Health Department
    - Comment: “The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review.” Letter dated March 17, 2020
  - Bonneville Power Administration
    - Comment: “At this time, BPA does not object to this request, as the property is located 7.0 miles away from any BPA transmission lines or structures.” Email received March 4, 2020.
  - Bigfork Water and Sewer District
    - Comment: “Bigfork Water and Sewer District approved this project when it was first constructed. There are water and sewer services to the planned lots.” Email received March 3, 2020.

#### **B. Public Comments**

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on March 18, 2020, legal notice was published in the Daily Interlake on March 22, 2020, and notice of the proposal and public hearing was physically posted onsite on March 19, 2020.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

### **IV. LOCAL GOVERNMENT REVIEW**

#### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review

procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

## **1. Agriculture and Agricultural Water User Facilities**

The application states, “A search of the Montana Natural Resources Information System resulted in no historical production information for this site. It is possible that it may have been used for grazing or crop production in the past.”

Some of the neighboring properties are currently being used for agriculture and the subject property is no longer utilized for agriculture. It does not appear the proposal would impact the ability of neighboring properties to continue agricultural production. The evaluation of the Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

As indicated in the submitted Environmental Assessment, there are no agricultural water works, wells, canals, irrigation ditches or pump houses onsite or adjacent to the proposal. The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

**Finding #1** – There would be no impact to agriculture and agricultural water user facilities because the subject property has not been historically used for agriculture and there is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any existing irrigation agreements.

## **2. Local Services**

### **a. Water and Wastewater Services**

The proposed subdivision is currently served by the Bigfork Water and Sewer District. Per Section 4.7.20(a) and 4.7.21(c) FCSR all water and sewer infrastructure must be constructed to standards established by the District and be installed prior to final plat application of each phase. Comment from the Water and Sewer district state, “Bigfork Water and Sewer District approved this project when it was first constructed. There are water and sewer services to the planned lots.”

An 8-inch water main has already been extended off the main in Highway 82 to service the subdivision. The projected demand for water is estimated at 4,000 gallons per day for the subdivision. The existing line at the southeast corner on Highway 82 has been measured at 3,227 gallons per minute.

An 8-inch gravity sewer main has already been extended the main in Highway 82 to service the subdivision. The engineer estimates the average daily sewer demand to be approximately 1,500 gallons per day for lots 2-5. The existing line at the southeast corner on Highway 82 has been measured at 3,227 gallons per minute.

Flathead City-County Environmental Health Department comments state, “The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review.” The permit will be conditioned to ensure compliance with the Flathead

City-County Environmental Health Department and Montana Department of Environmental Quality.

**Finding #2** - The proposal for water and wastewater treatment services for the proposed subdivision appears reasonable because the lots will be serviced by the Bigfork Water and Sewer District and will be subject to applicable permitting and monitoring by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**b. Solid Waste Disposal**

The developer is proposing a contract hauler for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. Pursuant to Section 4.7.22 FCSR, the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

**Finding #3** – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

**c. Roads**

Primary access is via Highway 82 a two-lane paved MDT maintained road within an easement between 100 and 150 feet. Traffic counts for Highway 82 west of Highway 35, from MDT in 2018, indicate 8,357 average daily trips. The internal subdivision road has already been constructed to the Flathead County Road and Bridge standards with the proposed 60 foot easement. The current proposal estimates less than 200 vehicle trips per day and a new traffic study is not required. The proposal has the potential to increase traffic on Highway 82 by 2.4%

Comment from MDT states, “As this will be a change in use of an existing access the owners will need to obtain a new approach permit approved by the MDT. Approaches need to be constructed to MDT’s approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses. If the volume of vehicles per hour is high enough, then the approach permit will go through MDT’s systems impact analysis in Helena. A Traffic Impact Study may be required to determine if mitigation is needed for traffic impacts to adjacent highways.”

The applicant received an approach permit for the 5 lot subdivision from MDT after the first preliminary plat was approved for this property. Because the road layout and lot configuration has not changed, a revised approach permit is likely not required.

**Finding #4** – The road system appears to be acceptable with the standard conditions as the primary access would be from Highway 82 onto the previously built road, each lot has legal, the applicant has provided a road user agreement and physical access from Ridgeview Parkway which complies with the Flathead County Road and Bridge Department Minimum Standards for Design and Construction.

**d. Schools**

Although the proposal is located within the Bigfork Elementary and High School Districts, no school age children are anticipated as a result of the subdivision

because the proposal specifies commercial land uses and the property is currently zoned B-3. Because of this, no impacts to area schools are anticipated with this subdivision.

**e. Mail Delivery**

The applicant states the mail boxes will be central mail boxes. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

**f. Recreation**

Since the proposal is for a two lot residential subdivision, no parkland is required per Section 4.7.24(a)(ii) FCSR as the lots are part of a non-residential subdivision. According to the Flathead County Trails Plan and Section 4.7.19 FCSR, an easement for a pedestrian/bicycle path along Highway 82 is required.

**Finding #5** – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add no school age children, the applicant is proposing centralized mailboxes, and parkland dedication for a bike and pedestrian trail easement is required.

**3. Public Health And Safety**

**a. Storm Water Drainage**

The submitted application includes a conceptual plan for the management of stormwater. The submitted Design Memorandum states the stormwater system will be, “collected and stored in road side swales along both sides of the internal subdivision road.

“In the event of a storm of higher intensity, no buildings will become inundated by stormwater runoff. Swale high water elevation are all below the lowest ground elevations on each lot. The minimum finished floor elevation of any building within the development will be an additional two feet above the lowest ground elevation on each lot. Stormwater flows from the northwest and eventually to the Flathead River.”

Flathead City-County Environmental Health Department comments state, “The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review.” The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

**Finding #6** – Impacts from storm water run-off will be acceptable because the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements.

**b. Fire/Emergency Medical Services**

Bigfork Fire Department would provide fire and medical service to the subject property and the nearest fire station with basic life support is located approximately 2.7 miles south of the subject property. The proposal will incorporate a fire hydrants as indicated in the infrastructure Design Memorandum.

The property is located within the Wildland Urban Interface, however the lot is almost entirely cleared and no thinning is needed. Due to the location of the fire station from the subject property response times in the event of an emergency would be reasonable.

**c. Police Services**

The proposed subdivision is located in an urban area of Flathead County and will be served by the Flathead County Sheriff's Department. The combination of existing staff levels, shift rotations, size of the county, the dispersed nature of the population, and the property's distance from the Flathead County Sheriff's Office in Kalispell may lead to delayed response times in the event of an emergency.

**Finding #7** – Impacts on fire and emergency services would be minimal with standard conditions because the lots will be served by the Bigfork Fire Department, the development will incorporate fire hydrants and roads will be designed to county standards to accommodate emergency vehicle access, and the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff's Department in the event of an emergency.

**d. Impact of Noise**

It is estimated that the development of the subdivision would generate noise during construction of the subdivision and minimal noise during development of the lots. Because the B-3 zoning allows for a variety of commercial uses the impacts of noise is difficult to predict.

**e. Air Quality**

The subdivision road was constructed and paved to County Standards. Highway 82 is a paved state maintained highway that provides access to the proposed subdivision.

The applicant has submitted a "Dust Control Plan" compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

**Finding #8** – Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

**f. High Voltage Electric Lines/High Pressure Gas Lines**

There are no high pressure gas lines or high voltage electrical lines on the subject property. Comments received from the Bonneville Power Administration state, "At this time, BPA does not object to this request, as the property is 7.0 miles away from the nearest BPA transmission lines or structures."

**g. Airport Influence Areas**

The subject property is not within an airport influence area.

**Finding #9** – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these items.

#### **4. Natural Environment**

##### **a. Soils**

According to NRCS soils data, the soils on the subject property consist of Blanchard loamy fine sand (Bo) with 3 to 7 percent slopes, Blanchard loamy fine sand (Bp) with 7 to 20 percent slopes and Haskill fine sand (Hn) with 12 to 45 percent slopes. According to the soil survey, none of the three soils are considered prime farmland and are considered somewhat excessively well drained or excessively well drained.

##### **b. Geologic/Avalanche Hazards**

The subject property is located in a relatively flat area of Flathead County. According to the Environmental Assessment submitted with the application materials, there is no known geological hazards that exist within the subject property. The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

**Finding #10** – Minimal risks to public health and safety are anticipated because there are no apparent hazards associated with geology or avalanche and the soils on the subject property appear to be appropriate to support the future infrastructure.

##### **c. Flora**

According to a search of the Montana Natural Heritage Program, 7 Plant Species of Concern exist within the boundaries of Township 27N, Range 20W. These include; Howell's Quillwort, Straightbeak Buttercup, Bristly Sedge, Panic Grass, Giant Helleborine, Guadalupe Water-nymph, and Columbia Water-meal. All of the species of concern are found in either freshwater lakes, riparian/wetlands, or aquatic areas. The property does not contain any riparian vegetation or surface waters.

Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed. Because the subdivision road is constructed and one of the proposed lots contains a structure soil disturbances will be limited to construction of new buildings. Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

##### **d. Riparian/Wetland Areas**

The subject property does not contain any surface waters, wetlands or riparian areas.

**Finding #11** – No impacts to the flora and riparian/ wetland area are anticipated on the subject property as there are no riparian area or wetlands on the property, no plant species of concern are found on-site and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

##### **e. Floodplain**

According to FEMA FIRM Panel 30029C2305J, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

**Finding #12** – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located outside of the 0.2% annual chance flood hazard area.

## **5. Wildlife and Wildlife Habitat**

According to a search of the Montana Natural Heritage Program, 12 Animal Species of Concern exist within the boundaries of Township 27N, Range 20W. These include; Hoary Bat, Little Brown Myotis, Grizzly Bear, Great Blue Heron, Brown Creeper, Evening Grosbeak, Pileated Woodpecker, Cassin's Finch, Common Tern, Westslope Cutthroat Trout, Pygmy Whitefish, and Bull Trout.

The property is mostly open grass land with an existing business in the east side and a road through the middle of the property. Hoary Bat, and Great Blue Heron habitat is riparian forest which is not present on-site but there is riparian area three-quarters of a mile to the west. The Common Tern, Westslope Cutthroat Trout, Pygmy Whitefish, and Bull Trout are found in lakes, rivers and streams which are not present on site. Grizzly Bears, Brown Creeper, Evening Grosbeak, Pileated Woodpecker, and Cassin's Finch are found in coniferous forests which are not present on-site but is located across the highway and within three-quarters of a mile to the west, north and east.

Little Brown Myotis are generalist but are known to be found in a variety of habitats across a large elevation gradient. They commonly forage over water. Summer day roosts include attics, barns, bridges, snags, loose bark, and bat houses. Known maternity roosts in Montana are primarily buildings. Hibernacula include caves and mines. The only possible roosting spot on the subject property is the existing building as there are no mature trees and the property is level grassland.

According the Environmental Assessment, "The proposed subdivision is currently part of an existing commercial subdivision and is located adjacent to Montana Highway 82."

**Finding #13** – The proposed subdivision will likely have minimal impact on wildlife and wildlife habitat because the property does not contain any surface waters, riparian areas or wetlands or conifer forests but is open grass land, which is not considered habitat for the species of concern found in the area and the property is within an existing commercial subdivision.

## **6. Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

**Finding #14** – The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.

## **B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

**Finding #15** – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey

requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations and Review Procedure**

**1. Requested Variances**

No variances have been requested with this application.

**2. Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

February 11, 2020

**ii. Application Deadline Date (6 months from pre-application)**

August 11, 2020

**iii. Application Submittal Date**

February 14, 2020

**iv. Completeness Date**

February 19, 2020

**v. Sufficiency Date**

February 26, 2020

**vi. Agency Referral Requests Mailing Date**

February 26, 2020

**vii. Adjacent Property Notification Mailing Date**

March 18, 2020

**viii. Legal Notice Publication Date**

March 22, 2020

**ix. On-site Posting of Public Hearing Date**

March 19, 2020

**Finding #16** – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

**D. Provision of Easements for the Location and Installation of Planned Utilities**

**Finding #17** – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

**E. Provision of Legal and Physical Access to Each Parcel**

As shown on the preliminary plat, primary access to the subdivision would be from an internal subdivision road via Highway 82. The internal subdivision road was proposed during preliminary plat of the previously approved subdivision and has been built to Flathead County Road and Bridge Department Standards. The subdivider has obtained an approach permit from MDT for internal subdivision road for a 5 lot commercial subdivision from Highway 82.

**Finding #18** – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the internal subdivision road provides legal and physical access to all lots, is designed and paved to meet Flathead County Road Standards, and has an existing approach permit from MDT.

## **F. Review of Applicable Plans**

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

### **1. Neighborhood Plan**

The proposed subdivision is located within the Bigfork Neighborhood Plan. The plan was adopted by the Flathead County Commissioners on March 19, 2007 and incorporated into the Flathead County Growth Policy as a recognized neighborhood plan document serving this area of the County. The Designated Land Use Map adopted as part of the plan document designates appropriate land use on the subject property as 'Commercial.' 'Commercial' is described as allowing, "for higher density retail and commercial uses and includes shopping centers, banks, restaurants, professional businesses and office centers. These districts should be developed as nodes and not in "strip" commercial patterns. Development would be in areas with public or community sewer systems."

The proposed subdivision would allow for additional commercial uses in an area zoned B-3 along the highway and the development is served by the Bigfork Water and Sewer District.

### **2. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. The location is in an area of the county that is designated as 'Commercial' on the Flathead County Designated Land Use Map which is a reflection of zoning at the time the map was adopted. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

## **G. Compliance with Local Zoning**

The proposed subdivision is currently zoned '*B-3 Community Business.*' The minimum lot size within the B-3 zone is not applicable and there is no minimum lot width.

**Finding #19** – The proposal generally complies with the Flathead County Growth Policy, neighborhood plan and the zoning regulations because the commercial lots are located within the B-3 which has no applicable minimum lot size or lot width, and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

## **V. SUMMARY OF FINDINGS**

1. There would be no impact to agriculture and agricultural water user facilities because the subject property has not been historically used for agriculture and there is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any existing irrigation agreements.

2. The proposal for water and wastewater treatment services for the proposed subdivision appears reasonable because the lots will be serviced by the Bigfork Water and Sewer District and will be subject to applicable permitting and monitoring by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.[Condition 6 & 18]
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 8 & 11d]
4. The road system appears to be acceptable with the standard conditions as the primary access would be from Highway 82 onto the previously built road, each lot has legal, the applicant has provided a road user agreement and physical access from Ridgeview Parkway which complies with the Flathead County Road and Bridge Department Minimum Standards for Design and Construction. [Conditions 4]
5. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add no school age children, the applicant is proposing centralized mailboxes, and parkland dedication for a bike and pedestrian trail easement is required. [Conditions 7 & 17]
6. Impacts from storm water run-off will be acceptable because the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements. [Condition\s 6 & 13]
7. Impacts on fire and emergency services would be minimal with standard conditions because the lots will be served by the Bigfork Fire Department, the development will incorporate fire hydrants and roads will be designed to county standards to accommodate emergency vehicle access, and the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff's Department in the event of an emergency. [Condition 2]
8. Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines. [Conditions 9 & 11c]
9. The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these items.
10. Minimal risks to public health and safety are anticipated because there are no apparent hazards associated with geology or avalanche and the soils on the subject property appear to be appropriate to support the future infrastructure.
11. No impacts to the flora and riparian/ wetland area are anticipated on the subject property as there are no riparian area or wetlands on the property, no plant species of concern are found on-site and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval. [Conditions 3 & 11e]

12. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located outside of the 0.2% annual chance flood hazard area.
13. The proposed subdivision will likely have minimal impact on wildlife and wildlife habitat because the property does not contain any surface waters, riparian areas or wetlands or conifer forests but is open grass land, which is not considered habitat for the species of concern found in the area and the property is within an existing commercial subdivision.
14. The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.
15. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 12]
16. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018. [Condition 15]
17. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 15]
18. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the internal subdivision road provides legal and physical access to all lots, is designed and paved to meet Flathead County Road Standards, and has an existing approach permit from MDT.
19. The proposal generally complies with the Flathead County Growth Policy, neighborhood plan and the zoning regulations because the commercial lots are located within the B-3 which has no applicable minimum lot size or lot width, and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

## **VII. CONDITIONS OF APPROVAL**

### **A. Standard Conditions**

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall

- be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 2]
  3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 11]
  4. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 4]
  5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
  6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR and FOF 2 & 6]
  7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 5]
  8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 3]
  9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
  10. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
  11. The following statements shall be placed on the face of the final plat applicable to all lots:
    - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]

- b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR and FOF 11]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 15]
  13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) and FOF 6]
  14. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
  15. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR and FOF 16 & 17]
  16. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]
- B. Project Specific Conditions**
17. A bike/pedestrian path easement of compliant width shall be shown on the face of the final plat adjacent to Highway 82. [FOF 5]
  18. Prior to final plat approval, the applicant shall provide evidence that all applicable requirements of the Bigfork Water and Sewer District pertaining to hook up for the water and sewer supply have been met. [FOF 2]

Planner: EKM